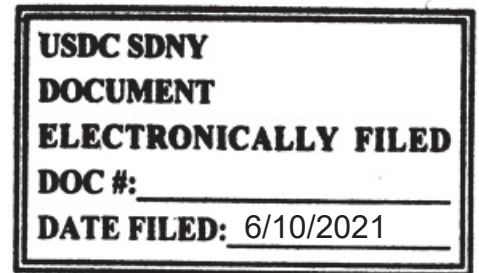


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June 8, 2021

Via ECF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: Shixu Bai v. Tegn Management, LLC, et al
1:20-cv-4942 (AJN)(RWL)
Request to File Exhibits to Third Complaint Under Seal

Dear Judge Nathan:

Pursuant to the Court's Individual Rule 4(B), Plaintiff with the consent of all Defendants' counsel respectfully requests permission to file Exhibits I, J, and N to Plaintiff's Third Amended Complaint under seal. Those Exhibits contain sensitive and confidential business information covered by a Confidentiality Agreement entered into by the respective parties.

Plaintiff has already filed the Third Amended Complaint along with a List of the Additional Exhibits to Third Amended Complaint, as well as filing separately Exhibits K, L, M, and O to said Complaint. For the reasons explained below, the Parties agreed that the remaining three Exhibits should be filed under seal.

Exhibit I is the Original Tegn Management, LLC Operating Agreement, dated May 31, 2013, with all Members notarized signatures, including the pages confirming those signatures by the respective notaries. Plaintiff has previously filed this same document as Exhibit H to the First Amended Complaint with the exception pages confirming those signatures by the notaries. The public has thus been able to review the substantive content of this Operating Agreement, along with the signatures of the parties to the Agreement, and the parties agreed that it was neither appropriate nor necessary to have the notaries' confirmatory signatures made public.

Exhibit J is the Tegn Management, LLC Business Plan, signed by Plaintiff Shixu Bai, dated August 1, 2013. This Business contains sensitive strategic marketing information that is of value to Defendants Tegn Management, LLC, and Grand Market International Corporation in the competitive specialty food market business. The parties agreed that public divulgence of such information could negatively affect those parties' business interests, and was covered by the Confidentiality Agreement entered into by all parties to this action.

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Finally Exhibit N consists of the By-Laws and Shareholders' Agreement of Grand Market International Corporation, dated April 2008 and signed by Defendants Eduard Shnayder, Gregory Tolston, Syoma Shnayder, Arthur Gavrilov, Albert Niyazov, and Beni Shneider with a Schedule specifying the number and percentage shares held by each shareholder. The By-Laws and Shareholder Agreement also detail the internal governing structure and decision-making process within Grand Market International. The parties agreed that these types of internal company documents, which were produced by Defendant Grand Market International Corporation (GMI) in response to Plaintiff's First Request for Document Production, were necessary to enable Plaintiff to pursue this action, but were not the type of confidential business documents appropriate for public view. The publicly accessible and now filed Third Amended Complaint makes appropriate reference to portions of these documents so that the general public can be apprised of Plaintiff's claims against GMI. However, the parties agreed that complete divulgence of these internal Company documents was covered by their Confidentiality Agreement and should be filed under seal.

For the foregoing reasons, Plaintiff with the consent of opposing counsel respectively requests the Court's approval of the filing of these documents under seal, which the undersigned has electronically filed under seal pending the Court's review and approval per Individual Rule 4(B), which states: "The proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion."

Thank you for your attention to this matter.

Respectfully Submitted

/s/ Joshua Fuld Nessen
Joshua Fuld Nessen, Esq.
The Maddox Law Firm, LLC
Attorney for Plaintiff Shixu Bai

CC: To All Counsel via ECF

SO ORDERED:

6/10/2021

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

